

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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MD ISLAM, DOH OUATTARA, ABDUL RUMON,  
HARNEK SINGH, and the NEW YORK TAXI  
WORKERS ALLIANCE,

Plaintiffs,

Civil Action No. 20-cv-2328

-Against-

ORDER TO SHOW CAUSE

ANDREW CUOMO, GOVERNOR OF THE STATE  
OF NEW YORK, THE NEW YORK STATE  
DEPARTMENT OF LABOR, and ROBERTA  
REARDON, as COMMISSIONER OF LABOR,

Defendants.

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Upon the annexed declarations of Nicole Salk, dated May 28, 2020, Bhairavi Desai, dated May 28, 2020, MD Islam, dated May 23, 2020, and Doh Ouattara dated May 24, 2020; upon the attached exhibits, and Plaintiffs' Memorandum of Law and upon all the proceedings heretofore had herein, LET the Defendants or Defendants' attorneys show cause before me or one of the Judges of this Court, at a Motion Term of the Federal District Court for the Eastern District of New York, Room \_\_\_\_, located at 225 Cadman Plaza East, in the County of Kings, City and State of New York, on the \_\_\_\_ day of \_\_\_\_, 2020, at 9:30 o'clock in the forenoon of that day, or as soon thereafter as counsel can be heard, why an Order should not be made, pursuant to 28 U.S.C. § 2202 and Rules 65 and 54, Fed. R. Civ. P.:

- (1) Enjoining the Defendants to immediately pay Unemployment Insurance (UI) benefits to Individual Plaintiffs and all app-based FHV driver claimants based on the earnings they have received from their app-based FHV employers as required by Title III of the Social Security Act of 1935 and the Equal Protection Clause of the 14th Amendment to the U.S. Constitution;
- (2) Enjoining the Defendants to require Uber, Lyft, and other app-based FHV employers doing business in New York State to provide driver earnings data to New York State, as required by Title III of the Social Security Act of 1935 and the Equal Protection Clause of the 14th Amendment to the U.S. Constitution; or, in the alternative:
- (3) Creating a streamlined process through which the DOL can immediately determine monetary eligibility for UI of all app-based FHV driver claimants by allowing such claimants to self-attest to their gross quarterly earnings online and/or by phone, without immediately requiring submission of documentary proof; and
- (4) Granting such other and further relief as the Court may deem just and proper.

SUFFICIENT CAUSE THEREFORE APPEARING, LET email service of a copy of this order, together with a copy of the papers annexed thereto, on Defendants Counsel on or before the \_\_\_\_\_ day of May, 2020, be sufficient.

Proof of service of these papers is to be filed with the Court on or before May 2020

SO ORDERED:

Dated: May , 2020  
Brooklyn, New York

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UNITED STATES DISTRICT JUDGE

